

**MINUTES**  
**REGULAR CITY COUNCIL MEETING**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
CITY COUNCIL CHAMBERS, YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**OCTOBER 21, 2009**  
**5:30 p.m.**

**CALL TO ORDER**

**Mayor Nelson** called the City Council meeting to order.

**INVOCATION/PLEDGE**

**Mike Bondora**, Pastor of Trinity Christian Church, gave the invocation. **Julie Brooks**, Senior Customer Service Specialist, led the City Council in the pledge of allegiance.

**ROLL CALL**

Councilmembers Present:	Shoop, Beeson, McClendon, Nicholls, Johnson and Mayor Nelson
Councilmembers Absent:	Mendoza
Staffmembers Present:	City Administrator, Mark S. Watson Deputy City Administrator, Bob Stull Police Chief, Jerry Geier Fire Chief, Jack McArthur Fire Department Public Information Officer, Mike Erfert Various Department Heads or their representative City Clerk, Brigitta M. Kuiper

**FINAL CALL**

**Mayor Nelson** made a final call for the submission of Speaker Request Forms from members of the audience.

**PRESENTATIONS**

**Mark Mohamed**, El Presidente Caballeros de Yuma, presented his organization's annual report. The total of all Caballeros' donations to youth activities and community betterment and scholarships for Fiscal Year 2008-2009 was \$86,747.

**Chief Geier** officially promoted the following Yuma Police Department (YPD) personnel: Dan Siegfried to Lieutenant; Jeff Ruby to Sergeant; Greg Counts to Sergeant; and, Kim Celaya to Sergeant.

**Chief McArthur** noted that the City's Fire Department has undertaken activities in support of breast cancer awareness under the slogan of *Tough Enough to Wear Pink*. **Erfert** explained the role of early detection and awareness in combating the disease.

**COMMUNICATIONS / FACTUAL RESPONSES - none**

**I. CALL TO THE PUBLIC**

**Diane Umphress**, Executive Director of Amberly's Place, 1350 W. Colorado Street, presented City Councilmembers with purple wrist bands for awareness of domestic violence and Amberly's Place

challenge coins in appreciation for the City's "above and beyond" support of Amberly's Place for the last 8 years.

**Monica De Leon**, 3602 Cooke Street, expressed her concern about alleged scams and foul play at hospitals, urging all to protect themselves from identity theft and ensure their doctors are properly licensed.

**Shereen Khan-Guinn**, 560 E. Palo Verde, declared her previous statement to City Council on September 16, 2009, was not a report of an investigation; it was a report of misconduct of certain City officials. Further, the minutes incorrectly reflect her statements. She (Guinn) referred to documents former City Councilmember Frank Irr cited at a public meeting, noting that her requests to see the documents have not been met to date. **Watson** stated that it is not clear what documents Guinn is requesting; he will review the audio of the last City Council meeting and speak with staff. Guinn needs to be more specific in her request.

**Jack Kretzer**, 761 W. Queens Place, stated that, based on Watson's prior comments regarding the City's workforce reductions, if the City can lose 130 positions and no one lose their jobs, there must be 130 jobs that are unnecessary. **Watson** stated that the community is no longer experiencing exponential development. Staffing levels have decreased through various means - retirement, vacancies, transitions from one position to another and/or from full-time to part-time.

**Jim Waits**, 3069 London Drive, Chretien's Restaurant owner, expressed his concerns for the local businesses being impacted by the construction project on 16<sup>th</sup> Street and Arizona Avenue. The Arizona Department of Transportation (ADOT) has proceeded to barricade the entire street from Yuma Palms to Police headquarters, not allowing any left turns in either direction. He urged the City to work with ADOT to keep the Riley Avenue left turn lane open until the Arizona Avenue intersection is completed – a period of approximately two weeks.

## II. MOTION CONSENT AGENDA

**Nicholls** requested the minutes of September 16, 2009 Regular City Council Meeting be removed in response to Guinn's comments at the Call to the Public. **Watson** agreed to the delay, especially in light of the allegations against City officials.

**Motion** (Shoop/McClendon): To adopt the Motion Consent Agenda as recommended, with the exception of Item A1, the Regular City Council Meeting minutes of September 16, 2009 to be continued to the Regular City Council meeting of November 4, 2009. Voice vote: **approved** 6-0.

A. Approval of minutes of the following City Council meetings: None, see motion above.

B. Approval of Staff Recommendations:

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (Attny)

2. Approve a #10, Beer and Wine Store, New License/Interim Permit Liquor License application submitted by Daniel Craig Shay, agent for Shay Oil Co., Inc., dba Shay Self Serve # 22, 6440 E. 32nd Street, Yuma, Arizona. (LL09-19) (Admin/Clerk)
3. Authorize the City Administrator to execute a contract with the Yuma Crossing National Heritage Area Corporation to undertake long-term maintenance of the Yuma East Wetlands as part of a program supported by the Bureau of Reclamation, Multi-Species Conservation Program. (Admin/YCNHA)
4. Authorize execution of an Intergovernmental Agreement with the Town of Wellton, Arizona for automatic and mutual assistance for fire, medical, hazardous materials, chemical, biological, radiological, nuclear, and high yield explosives (CBRNE), mass casualty emergencies and operation support, replacing the existing agreement approved May 4, 1994. (Fire/Admin)

### III. RESOLUTION CONSENT AGENDA

**Motion** (Beeson/McClendon): To approve the Resolution Consent Agenda as recommended.

**Kuiper** displayed the following titles:

#### **Resolution R2009-80**

**A resolution of the City Council of the City of Yuma, Arizona, repealing Resolution No. 2789**  
(Resolution No. 2789 adopted a Mutual Aid Agreement between the Town of Wellton and the City of Yuma) (Fire/Admin)

#### **Resolution R2009-81**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting deferral of Citywide Development Fees and Water and Sanitary Sewer Capacity Fees for Westmain Estates Subdivision**  
(Applicant: RCT Properties, LLC) (Eng)

#### **Resolution R2009-82**

**A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving a Development Agreement permitting deferral of Citywide Development Fees, payment of said Development Fees in four installments, assigning owner's rights, title and interest in a Sewer Payback Agreement to the City, authorizing temporary signage, and supporting uniform development of setbacks**  
(Applicant: Palms RV Resort Development, Inc.) (DCD)

Roll call vote: **adopted** 6-0.

### IV. ADOPTION OF ORDINANCES CONSENT AGENDA

**Motion** (Shoop/Beeson): To adopt the Ordinance Consent Agenda as recommended.

**Kuiper** displayed the following titles:

**Ordinance O2009-54**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, relating to zoning regulations, providing for changes to the Zoning Code to merge the Design Review Commission, and the Historic District Review Commission**  
(Z2009-010) (DCD/Planning)

**Ordinance O2009-60**

**An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, as amended, providing for changes to the Zoning Code to add the definition for Lot Coverage, and providing penalties for violations thereof**  
(Z2009-014) (DCD/Planning)

**Ordinance O2009-61**

**An ordinance of the City Council of the City of Yuma, Arizona, authorizing and directing that certain easement parcels of real property, hereinafter described, be acquired by the City of Yuma, by gift, purchase or under the power of eminent domain, for the reason that such property is required to improve the public utility infrastructure and other public purposes as may be related thereto, and authorizing payment therefor, together with costs necessary for the acquisition of said easement parcels of real property**  
(Right-of-way acquisition: Casa Manana Subdivision - Fire Hydrants; CIP 5.9207) (Eng)

**Ordinance O2009-62**

**An ordinance of the City Council of the City of Yuma, Arizona, relating to the Privilege License Tax; adopting "The 2009 Amendments to the Tax Code of the City of Yuma" by reference; providing for severability and providing penalties for violations**  
(Finance)

Roll call vote: **adopted 6-0.**

**V. INTRODUCTION OF ORDINANCES**

**Kuiper** displayed the following title:

**Ordinance O2009-63**

**An ordinance of the City Council of the City of Yuma, Arizona, declaring a certain parcel of real property, hereinafter described, surplus for use by the City and authorizing and directing that a certain parcel of real property, hereinafter described, be acquired by the City of Yuma by exchange for said City-owned property and authorizing the acquisition of certain parcels, hereinafter described, by gift, purchase or by eminent domain, for the reason that such property to be acquired is required to improve the public roadway and utility infrastructure and other public purposes as may be related thereto, and authorizing payment of all costs necessary for the acquisition, exchange and acquisition of said parcels of real property**  
(Exchange and acquisition of real property: 16<sup>th</sup> Street and Avenue A improvements; CIP 5.9701) (Attny)

**VI. PUBLIC HEARINGS - none**

## VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

**Motion** (Shoop/McClendon): To appoint Anayansi Root to the Census 2010 Complete Count Committee and to appoint Ryan Hengl as Chair and James Allen as Vice Chair to the Housing Authority of the City of Yuma. Voice vote: **adopted** 6-0.

**Beeson** announced that beginning October 23, 2009 the City of Yuma will be at a friendly war with the community of Yakima, Washington. He has challenged the City Council of Yakima to a weight loss competition due to a recent report that named Yuma, Arizona and Yakima, Washington as two of the most obese cities in the United States. He, personally, will be taking part in the challenge to make Yuma a healthier community. He passed along the challenge to the community.

**Nicholls** requested staff to prepare a resolution in support of the military locating the F-35 Strike Fighter jet at the Marine Corps Air Station Yuma and welcoming its training school to the area. The resolution should invite Yuma County, the cities of San Luis and Somerton, the Town of Wellton, and the Quechan and the Cocopah tribes to join in the City its support. **Mayor Nelson** offered to personally deliver the draft resolution to each of these entities.

**Johnson** reported on a State Transportation Framework Policy Committee meeting he recently attended. The federal highway authorization bill currently going through the congressional approval process would increase funding for mass transit and reduce funding for federal highways in rural areas, which will greatly affect rural Arizona. Congress is also considering a cap-and-trade bill, requiring reductions of heat-trapping emissions to 2005 levels; if approved, this bill could effectively restrict the construction of highways at a time when Arizona municipalities need additional traffic lanes and transportation facilities.

**Motion** (Shoop/Johnson): To move the Special Worksession/Roundtable scheduled for Tuesday, November 3, 2009 at 3:00 p.m. to the City Hall Council Chambers. Voice vote: **adopted** 6-0.

## VIII. SUMMARY OF CURRENT EVENTS

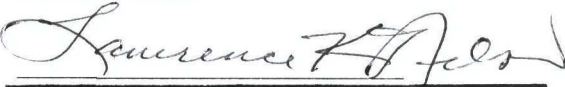
**Watson** announced that the City Strategic Communications Division has been given the Western Access Video Excellence (WAVE) award by the Alliance for Community Media for its City News program.

## IX. EXECUTIVE SESSION/ADJOURNMENT

**Motion** (Beeson/Nicholls): To adjourn the meeting. Voice vote: **adopted** 6-0. The meeting adjourned at 6:35 p.m. No Executive Session was held.

  
Brigitta M. Kuiper, City Clerk

APPROVED:

  
Lawrence K. Nelson, Mayor  
Approved at the City Council Meeting of:  
December 2, 2009  
City Clerk B. Kuiper